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# RJR ELITE TRUCKING, INC.

AGENTS FOR

ECKmiller Transportation Corp.

*Bill Jackson*  
*Chairman of the Board*

3/22/99

## ORIGINAL

DEPT. OF TRANSPORTATION  
POST OFFICE BOX 100  
WASHINGTON, DC 20590-0100  
99 MAR 25 PM 2:47

Docket Number 98-3656-CJ  
Docket Clerk, US DOT Dockets  
Room PL 401  
400 Seventh St., SW  
Washington DC 20590-0001

To Whom It May Concern:

I write to express my concerns over the safety of Intermodal Equipment, particularly marine containers, and the poor condition of many of them which is the result of there being no liability on the part of the owners of such equipment.

I strongly support a recommendation from the American Trucking Association that the FHWA make equipment owners more responsible for their own equipment. The present system, which makes the trucker liable for the condition of any intermodal equipment, is not only unfair, but is detrimental to safety. It essentially requires that a truck driver be responsible for things he may or may not know anything about, such as brake linings, air compressors, the frame rails on a container chassis, the condition of wheel bearings (the failure of which can allow a wheel to come off!), to name a few; nor does a truck driver have the facility or the tools to properly inspect many of these items. I offer as a point of interest the fact that most DOT facilities will not allow a truck driver to even adjust his/her brakes, yet regulations hold the driver responsible for not only brakes, but for all other safety items as well.

Secondly, in the nature of facing reality from a safety standpoint, it should be recognized that a truck driver makes money only when his truck wheels are turning. His/her primary interest is in making a living and supporting his/her family which may be in direct conflict with the best interests of safety, especially as it relates to the condition of the intermodal equipment being transported. There is also, to say the least, objection by the trucker to the expense of intermodal equipment repair when the trucker does not own the equipment and will not enjoy the benefit of the repairs paid for, since the equipment must be returned to the owner immediately after the trip.

1211 E. Olney Rd.  
Norfolk VA 23504

TEL: 757/627-0604 FAX: 757/627-7334

Third, some of the owners of intermodal equipment, understanding very well that the trucker is liable for the condition of the equipment, are likely to invest as little money as possible on the condition of their equipment, recognizing that if the equipment is found in unsafe condition while in the possession of a trucker, then the trucker will probably have to pay for any necessary repairs and/or will be put out of service at an inspection station, or worse, without regard for possible damage or injury to a third party because of faulty equipment.

It is not my position that the trucker be relieved of all responsibility for the intermodal equipment being pulled. If the trucker damages the equipment while it is in his/her care, or is found negligent in its use, then certainly there should be liability. However, the equipment should be delivered to the trucker by the owner in good and safe operating condition and the owner should at the very least share in a major way in any liability for faulty or unsafe equipment, thus providing motivation to the owner as well as the trucker to be concerned about the safe condition of the equipment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jackson", with a stylized, flowing script.

Bill Jackson  
Chairman of the Board